

**UNITED STATES DISTRICT COURT**  
**for**  
**EASTERN DISTRICT OF NORTH CAROLINA**  
**WESTERN DIVISION**

**U.S.A. vs. David Richland Banks**

**Docket No. 5:06-CR-32-3BO**

**Petition for Action on Supervised Release**

COMES NOW Dennis E. Albertson, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of David Richland Banks, who, upon an earlier plea of guilty to Bank Robbery and Aiding and Abetting, in violation of 18 U.S.C. §§ 2113(a) and 2, was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on August 22, 2006, to the custody of the Bureau of Prisons for a term of 57 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 36 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.

David Richland Banks was released from custody on November 6, 2009, at which time the term of supervised release commenced.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:** A random urine specimen obtained from Banks on May 16, 2011, tested positive for marijuana, and has been confirmed by the offender and the national lab. Banks advised he recently smoked a joint with a female who provided the substance as they were walking back to the homeless shelter one evening after work.

Banks successfully completed a year in the Surprise Urinalysis Program on September 30, 2010, and the aforementioned positive is the first indication of illicit drug use since the supervision period began. The offender's residence was destroyed by fire in October, 2010, and he has been residing at the local homeless shelter since that time, in an attempt to recover financially. Banks is employed as a dishwasher; however, has fallen behind \$350 on his restitution payments and is working towards getting caught up. A previous assessment at Port Services indicated Banks was more in need of mental health treatment than substance abuse treatment. The offender had been engaged in mental health treatment on his own volition; however, quit taking his prescribed medication shortly before the aforementioned use of marijuana. Based on the circumstances, it is recommended these violations be held in abeyance and supervision be modified to include a special condition for mental health treatment. Banks has been verbally reprimanded for his use of marijuana and referred to Port Services for an updated substance abuse assessment and mental health treatment.

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The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

**PRAYING THAT THE COURT WILL ORDER** that supervised release be modified as follows:

1. The defendant shall participate in a program of mental health treatment, as directed by the probation office.

Except as herein modified, the judgment shall remain in full force and effect.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Dennis E. Albertson  
Dennis E. Albertson  
Senior U.S. Probation Officer  
413 Middle Street, Room 304  
New Bern, NC 28560-4930  
Phone: 252-638-4944  
Executed On: June 20, 2011

**ORDER OF COURT**

Considered and ordered this 21 day of June, 2011, and ordered filed and made a part of the records in the above case.

Terrence W. Boyle  
Terrence W. Boyle  
U.S. District Judge